

REMARKS/ARGUMENTS

Applicants have received the Final Office Action dated April 6, 2007, in which the Examiner: 1) again rejected claims 1-10 and 12-16 under 35 U.S.C. § 102(e) as allegedly anticipated by Murakami et al. (U.S. Pat. No. 6,973,015, hereinafter “Murakami”); and 2) again rejected claim 11 under 35 U.S.C. § 103(a) as allegedly obvious over Murakami in view of Suh et al. (U.S. Pub. No. 2004/0168074, hereinafter “Suh”). With this Response, Applicants have amended claims 1, 5, 15 and 16. Based on the amendments and arguments contained herein, Applicants believe this case is in condition for allowance.

I. REJECTIONS UNDER 35 U.S.C. § 102(e) OVER MURAKAMI

In the rejection of independent claim 1, the Examiner stated that Murakami discloses a method comprising refusing, by a drive, to read information from a first surface of an optical medium when required information on a second surface of the optical medium cannot be read. The Examiner appears to have analogized the first surface to the TOC area in Figure 1A (element 103) of Murakami, and further analogized the second surface to the additional information area in Figure 1A (element 101) of Murakami. Applicants respectfully note that independent claim 1, as amended, requires “one of the first and second surfaces being underneath and optically read through the other of the first and second surfaces.”

Applicants further respectfully note that the TOC and additional information areas taught by Murakami, as shown in Figure 1A, are contained within separate concentric rings of the recording layer, with no indication that any one of these areas are surfaces that are “underneath and optically read through” any other surfaces, as required by amended claim 1. Although the Examiner, in response to Applicants prior arguments, pointed out “various surfaces which are illustrated in Figure 3A,” Applicants respectfully note that Figure 3A teaches “a sectional view of a structure of the magneto-optical disk,” and a recording layer that “comprises a plurality of layered magnetic thin films... .” Murakami, col. 7, lines 16-22 (emphasis added). Applicants respectfully submit that it is not possible to optically read information encoded in the magnetic layers taught by Murakami.

Applicants thus respectfully submit that Murakami does not teach or even suggest all of the elements of independent claim 1, as amended, and further submit that none of the other art cited overcomes the deficiencies of Murakami. Applicants thus respectfully submit that for at least these reasons, independent claim 1, as amended, and all claims that depend upon it, are in condition for allowance.

Similarly, independent claim 5, as amended, requires an optical medium comprising “an upper surface of the first and second surfaces being partially reflective and permitting optical access to a lower surface of the first and second surfaces underneath the upper surface.” At least for reasons similar to those presented with respect to amended claim 1, Applicants respectfully submit that independent claim 5, as amended, and those claims that depend upon it, are all in condition for allowance.

Likewise, independent claim 15 requires a drive for optical media comprising a controller, “wherein the controller causes a lens to optically focus on a lower surface of the first and second surfaces through an upper surface of the first and second surfaces above the lower surface.” At least for reasons similar to those described above regarding amended claim 1, Applicants respectfully submit that independent claim 15, as well as all claims that depend upon it, are in condition for allowance.

Regarding independent claim 16, as amended, Applicants respectfully submit that because the amended claim requires “means for optically focusing on a lower surface of the first and second surfaces through an upper surface of the first and second surfaces above the lower surface,” the arguments put forward with regard to amended claim 1 also apply to amended claim 16. For at least these reasons, Applicants respectfully submit that independent claim 16, as amended, is in condition for allowance.

**II. REJECTIONS UNDER 35 U.S.C. § 103(a)
OVER MURAKAMI IN VIEW OF SUH**

Regarding the Examiner’s rejection of dependent claim 11 as allegedly obvious over Murakami in view of Suh, Applicant notes that for at least the

**Appl. No. 10/784,075
Prelim. Amdt. dated July 6, 2007
Reply to Final Office Action of April 6, 2007**

reasons presented above, Murakami does not teach or even suggest all of the claim elements of independent claim 1, upon which claim 11 depends. Further, Suh fails to overcome the deficiencies of Murakami. Because neither Murakami nor Suh, either alone or in combination, teach or even suggest all of the claim elements of claim 11, Applicant respectfully submits that dependent claim 11 is not rendered obvious by Murakami in view of Suh, and thus is in condition for allowance.

III. CONCLUSION

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

/Roberto de Leon/

Roberto de Leon
PTO Reg. No. 58,967
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400